

REMARKS

Claims 1, 3, 4, 5, 7, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 have been amended. Claims 1 to 31 remain in the application. Re-examination and reconsideration of the application, as amended, is requested.

Claim 15 to 22 stand rejected under 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In this regard claim 15 recites the limitation "said bucket" which did not have proper antecedent. The Examiner will note that claim 15 has been amended to change said bucket in the second last line to "a bucket" thereby providing the antecedent basis for the limitation in the claim. Accordingly, it is believed that the rejection under 35 USC 112 has been traversed.

Claims 10 to 16, 18 and 29 to 31 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent 5,596,576 to Milito. The Examiner will note that claim 10 as well as independent claim 15 has been amended to limit the credit method to a telecommunications system in which a packet transport network is employed to transport calls between end systems within a PSTN. The Milito patent relates to a method of allocating access to a shared limited resource among a plurality of users using a leaky bucket scheme. It is well known that to support a finding of anticipation based on a single reference the reference must teach each and every element of the rejected claim. Independent claims 10 and 15 have been amended to incorporate the environment in which the credit method is used, the environment not being suggested or taught in the cited reference. Accordingly, since each and every element of the independent claims is not found in the reference the rejection under 102 has been traversed.

Claims 1, 2, 23 and 27 are rejected under 103(a) as unpatentable over Ram et al. (U.S. 6,038,309) in view of Marulis et al. (U.S. 6,243,449). Further, claims 3 to 9, 17, 19 to 22, 24 to 26 and 28 are rejected under 35 USC 103(a) as being unpatentable over the same references.

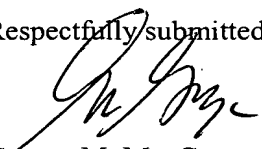
The Examiner will note that independent claims 1, 10 and 23 have been amended in order to restrict the defined invention to the aforementioned environment namely a system in which a packet transport network is used to transport calls between end systems within a public switched telephone network. Both of the cited references namely the Margulis et al. and the Ram reference refer to a standard public switched telephone network and not to a packet transport network as now defined in the claims. Neither of these references teach or suggest that the combination of a credit mechanism for detecting a mass calling event in a packet transport network is contemplated. Clearly there is no suggestion in either of the references that it would be obvious to combine them so as to lead to the present invention.

The Examiner has referred to column 5 of Ram et al. to support a finding that the reference relate to a packet transport network. With respect this passage of Ram et al. refers only to the communications link 40 in which the PSN 28 communicates with the SCU 34 utilizing a service programming interface signaling protocol. See in particular column 5 beginning at line 19 wherein "In the preferred physical embodiment the communications link 40 includes an Ethernet link but may include any other communications standards and hardware such as IEEE 802.3 (10BaseT), Fiber Distributed Data Interface (FDDI), Asynchronous Transfer Mode (ATM) and the link." With respect this only refers to the communication link 40 and not to a packet transport network used to transport calls between end systems with a PSTN. Accordingly, it is respectfully submitted that the references cited by the Examiner apply only to transport of communications through a PSTN and not a packet transport system.

In order to establish a case of obviousness under 35 USC 103 it is well established that "There must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine the referenced teachings. Second, there must be a reasonable expectation of success. Finally the prior art reference or references when combined must teach all of the claimed limitations". See MPEP Q143. It is respectfully submitted that the references cited by the Examiner taken singularly or in combination do not teach all of the elements as defined in the amended claims.

In view of the foregoing it is believed that the claims, as amended, are in condition for allowance. Favourable reconsideration and action to this end is earnestly solicited.

Respectfully submitted,



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